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12 Admitted ME

## MEMO ENDORSED

June 23, 2008

Please reply to:  
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## VIA OVERNIGHT MAIL

Honorable Denise Cote  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

USDC SDNY  
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JUN 24 2008

Re: Evan Weiner, et al. v. Snapple Beverage Corporation  
Docket No.: 07-CV-08742 (DLC)

Dear Judge Cote:

We represent Plaintiffs Evan Weiner and Timothy McClausland in the above referenced matter and write the Court in response to the June 17, 2008 endorsed letter wherein, in light of the Memorandum Opinion granting Snapple's motion to dismiss in Holk v. Snapple Beverage Corporation, Civil Action No.: 3:07-03018-MLC-JJH ("Holk"), Your Honor instructed the parties to provide a proposal for continuing this litigation.

As previously reported, by way of background, this Court entered a Consent Order to Stay Action (Dkt. 20) on December 7, 2007, wherein this matter was stayed pending a final, non-appealable

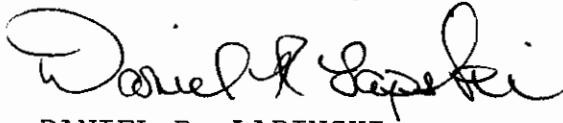
**WILENTZ  
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decision on Defendant Snapple Beverage Corporation's motion to dismiss in Holk, a substantially similar action pending in the District of New Jersey. Pursuant to the June 13, 2008 dismissal of Holk, Plaintiff has until Monday July 14, 2008 to file a Notice of Appeal in the Holk matter. Accordingly, with the consent of counsel for Defendant, we write to request that the date by which the parties provide a proposal for continuation be extended to Friday, July 18, 2008. By that date, we can then advise the Court whether Plaintiffs have chosen to appeal

Thank you for your consideration of the foregoing.

Most respectfully,



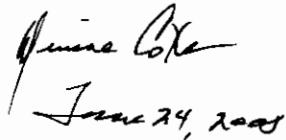
DANIEL R. LAPINSKI

DRL/ef

Encl.

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*Granted.*

  
*June Cole*  
*June 24, 2008*